

REMARKS

The present amendment is submitted in response to the Office Action dated July 29, 2004, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by November 29, 2004.

Claims 1-2 and 5-18 are pending in this application.

In the Office Action, the specification was objected to for various informalities. Claims 12-17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-3, 6-9, 11, and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by German patent 1028896 to Hoyler. Claims 1, 2, 3, 6, 7, 8, 11, 12-14, and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,116,507 to Scinta. Claims 1, 2, 3, 5, 6, 8, 9, and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by GB patent 1,222,648 to Rickett. Claims 1, 2, 3, 6, 11, 12, 13, 16, and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,636,583 to Rosen. Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen. Claims 1-12 were provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 9, 10, 11, 9, 12, 13, 14, 15, 15, 16, 17, and 9, respectively, of copending Application No. 10/049,712.

The Applicants note with appreciation the allowance of claim 15, if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

In the present amendment, the specification has been amended to add standard sectional headings and to delete reference to the claims.

In view of the allowance of claim 15, new claim 18 has been added, which is claim 15 rewritten in independent form.

With regard to the rejection of claim 12 under Section 112, second paragraph, the Applicants respectfully direct the Examiner's attention to the specification on page 10, line 1 to page 11, line 4 for detailed description relating to the "groove-like constrictions 106" and the further embodiment of the wiper strip.

With regard to the rejection of claim 1, the Applicants have amended claim 1 to more clearly define the present invention over the cited references by adding the features of claims 3 and 4, which were canceled, along with the feature that "the wiper strip from an end of the support element is insertable linearly between the longitudinal edges of the spring strips facing one another".

It is respectfully submitted that the cited reference to Hoyler is not a proper reference under either **MPEP section 2131** or **section 2143.03**, since the reference does not teach or suggest every element of the claim. Hoyler does not disclose a wiper blade, whose cross pieces are attached to the upper band surfaces of the two spring strips and are welded with the springs trips. In Hoyler, the clamps 6 are merely braced.

The same is true for the patent to Rosen, which also shows and describes that the clips 21 are held by cooperating with recesses 22 on the spring strips 20. Since the clips 21, as shown clearly in Figure 1, are flat while the head 12 of the wiper strip curves upward in a bulge or hump, the clips 21 must be arranged in front of or behind the wiper strip. If the clips 21 were welded fixedly with the strips 20, the wiper blade itself could not be mounted. Rosen fails to provide any suggestion that these clips 21 could be welded with the spring strips.

The Applicants respectfully submit that Rosen is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of **MPEP section 2131**, where it is stated that "a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference", and that "the identical invention must be shown in as complete detail as is contained in the ... claim".

Indeed, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

For the reasons set forth above, the Applicants respectfully submit that new claims 18-21 are patentable over the cited art. The Applicants further request withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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